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IN THE UNITED STATES JUDICIAL DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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UTAH PHYSICIANS FOR A HEALTHY  
ENVIRONMENT, SIERRA CLUB,  
NATURAL RESOURCES DEFENSE  
COUNCIL, NATIONAL PARKS  
CONSERVATION ASSOCIATION,  
GRAND CANYON TRUST, and  
WILDEARTH GUARDIANS,

Plaintiffs,

v.

U.S. BUREAU OF LAND MANAGEMENT;  
U.S. DEPARTMENT OF THE INTERIOR,  
JOSEPH R. BALASH, and DAVID  
BERNHARDT,

Defendants, and

STATE OF UTAH,

Proposed Intervenor-Defendant.

**ORDER GRANTING THE STATE  
OF UTAH'S MOTION TO  
INTERVENE**

Case No. 2:19-cv-00256

District Judge Clark Waddoups

Before the court is the State of Utah's (the State) Motion to Intervene as a Party Defendant (ECF No. 37). The State moves for intervention as a matter of right under Federal Rule of Civil Procedure 24(a), or alternatively for permissive intervention under Rule 24(b). (ECF No. 37 at 2.) The State provides that "[c]ounsel for the federal defendants has stated that they take no position on" the State's Motion. (ECF No. 37 at 2.) Plaintiffs do not oppose the State's Motion. (ECF No. 40 at 1.)

The State argues that it “has protectable interests in this litigation, given that the mine in question is the source of a significant stream of revenue to the State and that the State has a sovereign interest in regulating mining that takes place in Utah.” (ECF No. 37 at 2–3.)

“Federal Rule of Civil Procedure 24(a) states non-parties may intervene in a pending action as of right if: ‘(1) the application is timely; (2) the applicants claim an interest relating to the property or transaction which is the subject of the action; (3) the applicants’ interest may as a practical matter be impaired or impeded; and (4) the applicants’ interest is not adequately represented by existing parties.’” *W. Energy All. v. Zinke*, 877 F.3d 1157, 1164 (10th Cir. 2017) (citation omitted). The Tenth Circuit “has historically taken a ‘liberal’ approach to intervention and thus favors the granting of motions to intervene.” *Id.*

The court finds that the State satisfies the requirements for intervention as of right and GRANTS its Motion, (ECF No. 37).

DATED this 21st day of November, 2019.

BY THE COURT:



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CLARK WADDOUPS  
United States District Court Judge